



Planning Commission Minutes  
Chesterfield, Virginia 23832  
July 21, 2015

**PRESENT: PLANNING COMMISSION**

Mr. Russell J. Gulley, Chairman  
Mr. Reuben J. Waller, Jr., Vice-Chairman  
Dr. William P. Brown  
Dr. Edgar V. Wallin  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ABSENT:** Mr. Dale Patton

**PRESENT: HISTORIC PRESERVATION COMMITTEE**

Mr. Jim Daniels, Vice-Chairman  
Mr. J. Carl Morris  
Mr. Bryan Walker  
Mr. G. M. "Skip" Wallace  
Mr. David Dutton  
Mr. John V. Cogbill, III

**ABSENT:** Ms. Mary Ellen Howe, Chairman

**ALSO PRESENT:**

Mr. Michael E. Tompkins, Assistant Director,  
Planning Department  
Mr. Rob Robinson, Senior Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Senior Assistant County Attorney,  
County Attorney's Office  
Mr. Steve Haasch, Planning Manager,  
Planning Department  
Ms. Bonnie L. Perdue, Clerk to the Commission,  
Planning Department  
Mr. Greg Allen, Planning Manager,  
Planning Department  
Ms. Jane Peterson, Planning Manager,  
Planning Department  
Ms. Darla Orr, Planning and Special Projects Manager,  
Planning Department  
Mr. Ryan Ramsey, Planning and Special Projects Manager,  
Planning Department  
Mr. Robert Clay, Planning and Special Projects Manager,  
Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Planning Department  
Mr. Jesse Smith, Director,  
Transportation Department  
Mr. Jim Banks, Assistant Director,  
Transportation Department  
Mr. Scott Smedley, Director

Environmental Engineering Department  
Mr. Mike Nannery, Assistant Director of Utilities  
Utilities Department  
Mr. Dave Wolverton, Microcomputer Analyst  
Information Systems Technology Department  
Deputy Fire Marshall Anthony Batten, Fire and Life Safety,  
Fire and EMS Department  
Ms. Heather Barrar, Principal Planner,  
Planning Department  
Mr. Ray Cash, Code Keeper,  
Planning Department

### **ASSEMBLY AND WORK SESSION.**

Messrs. Gulley, Waller, Brown, and Wallin and staff assembled at 3:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

#### **I. CALL TO ORDER.**

#### **II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

Mr. Christopher Sorensen, the new assistant superintendent for business and finance with Chesterfield County Schools introduced Mr. John Brooks, Director of Construction and Ms. Atonja Allen, Planning Administrator.

#### **III. REVIEW UPCOMING AGENDAS.**

Ms. Jane Peterson apprised the Commission of the caseload agendas for August, September, and October.

#### **IV. REVIEW DAY'S AGENDA.**

Mr. Mike Tompkins provided an overview on the one (1) case for the 4:00 p.m. session, Case 15PS0215, Kroger Limited Partnership I.

Ms. Jane Peterson provided an overview to the Commission of the thirteen (13) cases for today's agenda.

Mr. Waller requested Mr. Carmody come up to speak to the cash proffers on two (2) cases, JMS Investments, LLC and J. Mark Sowers and East West Hallsley, LLC.

Mr. Carmody stated the Cash Proffer Policy is founded on the idea that a request or case before the Commission is generating a demand on capital facilities. Budget has identified what the annual cost of the demand will be on five (5) categories of facilities; schools, roads, parks, libraries and fire

stations. There have been some instances in the past that is creating some expectation that these two cases, JMS Investments, LLC and J. Mark Sowers and East West Hallsley, LLC, allocate the entire \$18,966 cash proffer per case, toward schools. Out of over 300 cases that have been approved for zoning, there are less than a handful of cases where the entirety of the cash proffer went to mitigate road improvements. In those instances, the reason Budget could accept that cash proffer for just one (1) specific category is that case could show how it generated demand on one (1) specific facility category. For these two (2) cases, we really don't have that situation as 48 and 65 units do not really create a need greater than what is designated for the school component. Budget calculates the cost of the five (5) categories at \$23,414 for fiscal year 2016. The school component is calculated at \$9600. The Board has set a maximum cash proffer at \$18966 so comparing the calculated cost of schools, \$9648 relative to the proportionate share of \$18966 is \$7800 and change, there is an \$1800 difference in what is calculated. You can accept a cash proffer up to \$9648 in those instances as Budget believes that is what the impact is from these cases. Budget's position is not to accept anything over \$9648 for the school component. His conversation with Mr. Waller is that it is not advisable or permissible to accept a cash proffer over \$9648 for schools.

Mr. Gulley requested that Mr. Carmody come up again at the 6:00 p.m. session and explain this for citizens that are not here now.

**V. WORK PROGRAM - REVIEW AND UPDATE.**

There were no questions relative to the Work Program.

**VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.**

There were no questions relative to the Follow-Up Items list.

**VII. DISCUSSION OF PROPOSED CODE AMENDMENT RELATIVE TO BON AIR DESIGN STANDARDS (15PJ0114).**

Mr. Ray Cash presented an overview to the Commission on the code amendments relative to the Bon Air Design Standards that promote a more pedestrian friendly area. The Plan is focused on three (3) separate areas; Huguenot Gateway, Village Core and Office Transition. The common theme is to limit the height of new buildings to two (2) stories, new buildings be closer to roads with sidewalks, parking areas visually minimized, pedestrian scale landscaping and lighting, and outdoor dining with hardscape, limited automobile dependent uses and limit the size of commercial development. Staff will prepare a draft ordinance to allow for a public comment period and after that set a public hearing at a future meeting.

In response to a question from Mr. Gulley relative to a timeline, Mr. Turner stated he would like to see the Ordinance to implement the Plan follow about three (3) months behind the Plan.

**VIII. DISCUSSION OF PROPOSED CODE AMENDMENT RELATIVE TO VARIANCES & BOARD OF ZONING APPEALS MEETING PROCEDURES (15PJ0116).**

Mr. Ray Cash presented an overview to the Commission on the proposed Code Amendment relative to Variances & Board of Zoning Appeals meeting procedures resulting from State Code changes made by the General Assembly. The variance definition now includes "shape" and

“height” to match new State Code language. In addition, due to the change in State Code, the amendment clarifies, that if you are eligible for a special exception, administrative variance or a conditional use process, the request is not eligible for a variance by the Board of Zoning Appeals (BZA); however, the applicant could appeal a decision on administrative variance to the BZA. The amendment amends BZA meeting procedures to require equal time be provided for parties in hearing and regulates ex parte communications between BZA and parties prior to hearing. Staff recommends a public hearing be set for August 18, 2015 for this amendment.

On motion of Dr. Wallin, seconded by Dr. Brown, the Commission resolved to set a public hearing for the Code Amendment Relative to Variances & Board of Zoning Appeals to the August 18, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, and Wallin.

ABSENT: Mr. Patton.

**IX. UPDATE ON CAPITAL CONSTRUCTION GOALS & ACCOUNTABILITY COMMITTEE.**

Dr. Wallin stated there was no meeting scheduled for July so he has no updates to the Commission on the Capital Construction Goals and Accountability Committee.

**X. RECESS.**

The Commission recessed at 3:27 p.m. for the 4:00 p.m. public hearing.

**4:00 P.M. PUBLIC MEETING.**

**I. CALL TO ORDER.**

Mr. Gulley, Chairman, called the meeting to order at 4:02 p.m., in the Public Meeting Room, Lane B. Ramsey Administration Building, 10001 Iron Bridge Road, Chesterfield, VA.

**II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**III. REVIEW MEETING PROCEDURES.**

Mr. Turner advised he would review the meeting procedures at the 6:00 p.m. meeting.

**IV. APPROVAL OF THE PLANNING COMMISSION MINUTES.**

- May 19, 2015 Minutes.

On motion of Dr. Wallin, seconded by Mr. Waller the Commission resolved to defer the May 19, 2015 minutes to the August 18, 2015 Planning Commission meeting.

AYES: Messrs. Gulley, Waller, Brown, and Wallin.  
ABSENT: Mr. Patton.

- June 16, 2015 Minutes.

On motion of Dr. Brown, seconded by Dr. Wallin, the Commission resolved to defer the June 16, 2015 minutes to the August 18, 2015 Planning Commission meeting.

AYES: Messrs. Gulley, Waller, Brown and Waller.  
ABSENT: Mr. Patton.

## V. PUBLIC MEETING.

- A. **15PS0215:** In Midlothian Magisterial District, **Kroger Limited Partnership I** requests schematic plan approval for architecture and amendment to the sign package to permit a freestanding sign for the **Kroger Fuel Center R505** in Corporate Office (O-2) District with CUPD on a site totaling 1.15 acreage located at 11430 West Huguenot Road. Tax ID 741-715-2553.

Mr. Jeff Lamson presented an overview to the Commission and staff's recommendation for a thirty (30) day deferral to allow the applicant to revise elevations to comply with the architectural theme of the Bellgrade Shopping Center and to revise the freestanding sign with regard to background color.

Mr. Jim Theobald, the applicant's representative, stated that the applicant has been searching for a location within Bellgrade for some time so this Kroger could have a fueling station. He stated the applicant submitted revised elevations today that capture architectural elements of the Kroger in Bellgrade and the sign color change. The architectural review committee from Bellgrade has reviewed their plans and supports their changes. He is requesting the Commission approve the request as revised. The applicant does not agree with Condition 1.b with regard to the height of the roof, in Condition 1.c, they are OK with the first sentence and suggest deleting the second sentence and in Condition 2, they are in agreement with the background color for signage.

Mr. Gulley opened the floor for public comment.

There being no one to speak, Mr. Gulley closed the public hearing.

In response to a question from Mr. Waller relative to the changes in the conditions, Mr. Lamson stated staff supports the changes the applicant has brought forth with regard to column details. Staff maintains the roof height and architectural features needs to be revised to better represent Bellgrade. Staff does not support eliminating Condition 1.b and the changes recommended to Condition C.

Mr. Waller stated the Bellgrade architectural review committee has approved the elevations and plans; therefore, he is leaning toward supporting the request with the recently modified conditions.

Dr. Brown is troubled by last minute changes but he will support Mr. Waller's motion but would be more comfortable with a deferral.

In response to a question from Mr. Waller relative to deferring the case, Mr. Theobold stated he cannot agree to a deferral as a deferral is the same as a denial because of the contractual obligations with the seller for this site. The applicant has made all of the changes staff has recommended with the exception of the roof height feature.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 15PS0215 subject to the following conditions which include, change in wording for Condition 1.a, strike Condition 1.b and change Condition 1.c by striking the second sentence.

#### CONDITIONS

1. Revise elevations to achieve compatibility with the architectural theme that exists in the Bellgrade Shopping Center as follows:
  - a. Columns details should include ~~water table~~ extruded base and ~~detailed column capital~~, row-lock soldier course of brick and with similar details to the existing shopping center.
  - b. ~~Revise the pitch and height of the kiosk roof and the height of the fuel canopy roof, consistent with other roof pitches in the Bellgrade Shopping Center. The height of the roof should make it appear less like a mansard, and more like a full roof. Increase the size of the dormers to provide architectural features consistent those within the development.~~
  - b.e. The color of the fascia should be revised to a single color (white) to match the existing facades throughout the Bellgrade Shopping Center. ~~The roof should overhang the soffit on both the fuel canopy and the kiosk, consistent with other structures in the shopping center. (P)~~
2. Revise the background color of the portion of the sign identifying the user (Kroger Fuel) from black to white with letters revised to a contrasting color. (P)

AYES: Messrs. Gulley, Waller, Brown, and Wallin.  
ABSENT: Mr. Patton.

#### **VI. RECESS.**

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:18 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public meeting.

#### **5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.**

During dinner, there was general discussion on topics related to the Planning Commission.

**6:00 P.M. JOINT PUBLIC HEARING OF PRESERVATION COMMITTEE AND PLANNING COMMISSION.**

**I. CALL TO ORDER – PLANNING COMMISSION.**

Mr. Gulley called the meeting to order.

**II. CALL TO ORDER – PRESERVATION COMMITTEE.**

Mr. Daniels called the Committee to order.

**III. INVOCATION.**

Mr. Gulley presented the invocation.

**IV. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.**

The Commission led in the Pledge of Allegiance to the Flag.

**V. REVIEW UPCOMING AGENDAS.**

Mr. Kirk Turner reviewed the upcoming agendas.

**VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**VII. REVIEW MEETING PROCEDURES.**

Mr. Kirk Turner reviewed the meeting procedures.

**VIII. JOINT PRESERVATION COMMITTEE / PLANNING COMMISSION PUBLIC HEARING, CONSIDERATION OF THE FOLLOWING CASE.**

- A. 15HP0145:** In Dale Magisterial District, **John Vest and Ruth Cristene Vest** request historic landmark designation for the **Edgewood House** (structure only) in a Residential (R-15) District on 1.4 acres known as 5436 Hopkins Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 780-688-6823.

Ms. Heather Barrar presented an overview of the case and a recommendation of approval for historical landmark designation for the building only, which was built in 1908.

Mr. and Mrs. John Vest, the applicants, requested the Preservation Committee and the Planning Commission approve their request.

Mr. Gulley opened the floor for public comment.

Ms. Diane Murdock-Thorp is opposed to the historic designation for this property as Edgewood's scale and detail is modest compared to other properties with this historical designation in the County.

In rebuttal, Mr. and Mrs. Vest stated they do want historical designation for the home even if the zoning case is denied.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

Mr. David Dutton stated Edgewood is one of the few remaining structures that represent an early suburban residential development styled home. While the architecture is not an exceptional example of the period, and the two (2) additions compromise the architectural style, it would benefit the County and he supports the historical designation.

Mr. Cogbill agrees with the comments by Mr. Dutton and will support the historical designation.

On motion of Mr. Wallace, seconded by Mr. Morris, the Preservation Committee resolved to recommend approval of Case 15HP0145, for the historical designation of Edgewood.

AYES: Messrs. Cogbill, Daniels, Dutton, Morris, Walker and Wallace.

ABSENT: Ms. Howe.

Mr. Gulley stated he would prefer the Commission defer making a motion on the historic designation until the Board has a chance to make a decision on the zoning case.

Dr. Brown stated he sees no reason to defer as the applicant has indicated they want the historical designation even if the zoning case is denied.

Dr. Wallin and Mr. Waller stated they would like to hear more from the community before they hear the historical designation and zoning cases.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to recommend deferral of Case 15HP0145 to the Planning Commission meeting scheduled for Thursday, July 23, 2015.

AYES: Messrs. Gulley, Waller, Brown and Wallin.

ABSENT: Mr. Patton.

**IX. ADJOURNMENT OF THE PRESERVATION COMMITTEE AND RECESS OF THE PLANNING COMMISSION.**

The Preservation Committee adjourned the meeting.

**THE COMMISSION RECESSED AT 6:12 P.M.**

**THE COMMISSION RECONVENED AT 6:28 P.M.**



**X. REVIEW MEETING PROCEDURES.**

The Planning Commission agreed to forego review of the meeting procedures.

**XI. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.**

Ms. Jarica Davis, representing Friends of Greenspring Coalition, stated her group understands that the Planning Commission does not drive the Capital Improvement Plan (CIP) and they appreciate the efforts of the Commission to help with land use issues regarding building new schools. The language that prompted emails about whether the school portion of the cash proffers could be adjusted was specifically about facilities necessitated by development. Overcrowding at J. B. Watkins ES in her neighborhood, is an issue that the coalition wants the Commission and developers to consider.

There were no other citizens' comments on unscheduled matters.

Mr. Gulley closed the public comments period.

**XII. PUBLIC HEARING.**

**• DEFERRAL REQUEST BY APPLICANT – REZONING AND CONDITIONAL USES.**

- C. 15SN0651:** In Midlothian Magisterial District, **Ediberto Hernandez Castillo** requests conditional use to permit a business (tree service) incidental to a dwelling and amendment of zoning district map in a Residential (R-7) District on 1 acre known as 6712 Walmsley Boulevard. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Mixed Use Corridor use. Tax ID 767-695-5368.

The applicant, Mr. Ediberto Castillo, requested a thirty (30) day deferral to the August 18, 2015 Planning Commission public hearing.

Mr. Gulley opened the floor for public comment-

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to defer Case 15SN0651 for thirty (30) days to the August 18, 2015 Planning Commission public hearing at the applicant's request.

AYES: Messrs. Gulley, Waller, Brown, and Wallin.  
ABSENT: Mr. Patton.

- **CONSENT ITEMS – CONDITIONAL USES, CONDITIONAL USE PLANNED DEVELOPEMNT, REZONINGS AND SUBSTANTIAL ACCORD.**

- E. **15SN0653**: In Midlothian Magisterial District, **Yvette Williams-Patterson** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .4 acre known as 2109 Ives Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51 to 4.0 dwelling units per acre). Tax ID 763-697-8372.

Ms. Yvette Williams-Patterson, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0653 and acceptance of the following proffered conditions:

**PROFFERED CONDITIONS**

1. **Non-Transferable Ownership**: This conditional use approval shall be granted to and for Yvette Williams-Patterson, exclusively, and shall not be transferable nor run with the land. (P)
2. **Expansion of Use**: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. **Signage**: There shall be no signs permitted to identify this use. (P)
4. **Number of Children**: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of 12 children, other than the applicant's own children, at any one time. (P)
5. **Hours of Operation**: Hours and days of operation shall be limited to Monday through Friday from 7 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. **Time Limitation**: This conditional use approval shall be granted for a period not to exceed 5 years from the date of approval. (P)
7. **Fenced Outdoor Play Areas**: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Within 90 days of approval, outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)

8. Employees: No more than one (1) employee shall be permitted to work on the premises, other than family member employees that live on the premises. (P)

AYES: Messrs. Gulley, Waller, Brown, and Wallin.

ABSENT: Mr. Patton.

- F. **15SN0654**: In Midlothian Magisterial District, **Rouse Properties, Inc.** requests amendment of conditional use (Case 12SN0236) to modify the location of outdoor uses plus a conditional use on 6.7 acres to permit motor vehicle sales and amendment of zoning district map in Neighborhood Business (C-2), Community Business (C-3) and Regional Business (C-4) Districts on 75.2 acres located in the southwest quadrant of Koger Center Boulevard and Mall Drive; also lying on the north line of Midlothian Turnpike, east of Huguenot Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax IDs 741-709-1430 and 741-711-0904.

Mr. Bryon Wall, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0654 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS:

The Applicant hereby amends Proffered Condition 1 of Case 12SN0236 to read as follows:

1. The areas designated for continuous outside display of merchandise for sale, commercial outdoor recreational establishments, carnival, motor vehicle sales, concert, festival and movie events shall be limited to the areas shown on Exhibit A, dated June 9, 2015. (P)

(Staff Note: Except as amended with this case, all other conditions of Case 12SN0236 shall remain in force and effect.)

2. Motor vehicle sales shall be limited to an outdoor, temporary sales event. Motor vehicle sales shall be limited with the following restrictions:
  - a. These events shall be permitted no more than two (2) times a year.
  - b. Each event shall last a period of no longer than five (5) days.
  - c. The events shall be spaced at a minimum interval of thirty (30) days from the last day of the previously permitted motor vehicle sales event.
  - d. Motor vehicle sales shall coincide with the general business hours of the shopping center.
  - e. No permanent improvements shall be permitted.
  - f. Motor vehicle sales shall not be permitted from November 15th to December 30<sup>th</sup>. (P)

AYES: Messrs. Gulley, Waller, Brown, and Wallin.  
ABSENT: Mr. Patton.

- G. **15SN0660:** In Midlothian Magisterial District, **East West Hallsley, LLC** requests rezoning from Agricultural (A) to Residential (R-15) and amendment of zoning district map on 56.2 acres lying 3300 feet off the western terminus of Brightwalton Road, west of Farnborough Drive. Residential use of up to 2.90 units per acre is permitted in the Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax IDs 707-698-Part of 7357 and 708-697-Part of 2718.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation. Mr. Scherzer stated they may tweak their cash proffer so they can proffer for schools and they will talk to the Board to see if the Board is willing to let them do that.

Mr. Gulley requested Mr. Carmody speak to the cash proffer issue that Mr. Scherzer referenced.

Mr. Carmody stated the premise behind the cash proffer is first there needs to be a demonstrated impact from a zoning proposal on capital facilities. The Board has established a methodology to calculate the cost of five (5) different facilities; parks, fire stations, roads, libraries and schools. The calculated cost for schools is \$9648 and the total cost for all five (5) categories is a little over \$23000. The question is can \$18966 be allocated entirely toward schools and the answer is no it cannot as we see the impact of schools being no greater than \$9648. Because the Board has set a maximum of \$18966, the school component of that lesser number is \$7815 but it would be permissible to accept a cash proffer that goes toward offsetting school impacts as high as \$9648 and that's what Mr. Scherzer is talking about when he talks about a cash proffer modification.

Mr. Gulley opened the floor for public comment.

Ms. Jarica Davis, representing Friends of Greenspring Coalition, stated she appreciates the effort from the East West developer to offset the impact of schools. The Friends of Greenspring cannot argue against them and the coalition is not against growth. The language that prompted the question about the school portion of cash proffers being adjusted relates specifically to facilities necessitated by development. The school portion of the cash proffers, as she understands it, is only for school capacity relief. There are already more children registered for school this coming school year verses last year. We appreciate the efforts of the developer to support the coalition efforts.

Mr. Rodney Martin, stated he feels inaccurate data is being given to the County concerning the number of new students the new development will bring to the elementary schools.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public-hearing.

Mr. Waller stated both speakers made valid points about overcrowding in J.B. Watkins ES. This case is on the consent agenda. The issue he is dealing with focuses on the overcapacity at Watkins ES of which over twenty-five (25) emails about this subject have been sent to him to express concern. The common thread is the CIP and why and how the relief school for J.B. Watkins was pushed out to 2022. The applicant is willing to pay the full cash proffer, it does comply

with the Plan, staff is in support of the case and East West is willing to amend the proffer to put additional funds in the school shed; for those reasons he will support the case.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0660 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

1. A maximum of sixty-five (65) lots shall be permitted. (P)
2. All dwellings shall have a minimum gross floor area of 2,000 square feet. (P)
3. Architectural/Design Elements.
  - A. Driveways
    1. Driveways: All private driveways serving residential uses shall be hardscape with stained brushed concrete, aggregate, stamped concrete or pavers.
  - B. Landscaping and Yards
    1. Supplemental Trees: Three (3) yard trees shall be planted or retained in the front yard of each dwelling with a minimum diameter of 2.5 inches measured at breast height (4'10" above the ground).
    2. Front Yards & Side Yards: Except for the foundation planting bed, all front and side yards shall be sodded and irrigated.
    3. Front Foundation Planting Beds: Foundation planting is required along the entire front facade of all dwelling units, and shall extend along all sides facing a street. Foundation planting beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall include medium shrubs spaced a maximum of four (4) feet apart. Unit corners shall be visually softened with vertical accent shrubs (4'-5') or small evergreen trees (6'-8') at the time of planting.
  - C. Architecture and Materials
    1. Style and Form: The architectural styles shall be interpretations of traditional Richmond architecture, using forms and elements compatible with those in Hallsley such as Georgian, Classical Revival Colonial, Greek Revival, Queen Anne, Tudor, and Craftsman Styles.
    2. Repetition: Dwellings with the same elevations may not be located adjacent to, directly across from, or diagonally across from each other on the same street. This requirement does not apply to units on different streets backing up to each other.

3. Foundations: The exposed portion of any foundation shall be brick, stone or stucco. Step down siding will not be permitted.
  4. Exterior Facades: Acceptable siding materials include brick, stone, masonry, stucco synthetic stucco (E.I.F.S), and approved horizontal lap siding or architectural shingles. Horizontal lap siding may be manufactured from cement fiber board. Vinyl material is not permitted except in soffit and eave locations. Additional siding requirements:
    - a. Where a dwelling borders more than one street, all street-facing facades shall be finished in the same materials.
    - b. Cementitious is permitted in traditional wide reveal styles only, unless otherwise approved by the Architectural Board for special design conditions.
- D. Roof Material: Roofing material shall be dimensional architectural shingles or better with a minimum 30 year warranty.
- E. Porches, Stoops and Decks
1. Front Porches: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of six (6)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns.
  2. Rear Porches/Screen Porches: All rear porches if screen and/or covered shall be constructed with masonry piers to match either the foundation or facade material of the house. Rear porches that are not enclosed must be stained or painted and can be constructed with typical wood piers.
- F. Front Porch Flooring: Porch flooring may be concrete, exposed aggregate concrete or a finished paving material such as stone, tile or brick, finished (stained dark) wood, or properly trimmed composite decking boards. Unfinished treated wood decking is not acceptable. All front steps shall be masonry or stained/painted wood.
- G. Approval Prior to Building Permit Issuance: All items in Proffered Conditions 2 and 3 shall be approved prior to the issuance of a building permit for each permit. (BI and P)
4. All required buffers shall be located within recorded open space. (P)
  5. Cash Proffer. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for

infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:

- A. \$18,966.00 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period.
  - B. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
  - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - D. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees in a manner determined by the County. (B)
6. In conjunction with recordation of the initial subdivision plat, a ninety (90) foot wide right-of-way for an east/west major arterial ("Baybon Road") from the eastern property line to the western property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location and alignment of this right-of-way shall be approved by the Transportation Department. (T)
7. Prior to any tentative subdivision approval, an access plan for Baybon Road shall be submitted to and approved by the Transportation Department. Access for the property shall conform to the approved access plan. (T)
8. The developer shall be responsible for the following road improvements:
- A. Construction of two (2) lanes of Baybon Road to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by the Transportation Department, from Bright Walton Road to the western property line.
  - B. Construction of left and right turn lanes along Bright Walton Road at the Baybon Road intersection, and along Baybon Road at each approved access based on Transportation Department standards.
  - C. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified in this Proffered Condition. (T)
9. Limitations on Timing of Construction Activity
- A. Permitted Hours For Construction:

1. Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday; 7:00 a.m. to 6:00 p.m. on Saturday; and 8:00 a.m. to 5:00 p.m. on Sunday. For the purpose of this condition, construction activity shall be considered land clearing; grading; installation of infrastructure (such as roads, utilities and storm drainage); and construction of a dwelling on a vacant lot.
2. This condition is not intended to restrict the hours of home construction (such as with additions or alterations) once a dwelling is occupied as a residence.
3. Prior to commencing initial construction activity, these restrictions shall be posted in English and Spanish on 2' X 2' signs that are clearly legible from the public rights of way at the entrances into the development. Such signs shall be maintained by the developer and shall remain until all construction activity is complete.

B. Written Notification Prior To Commencing Construction:

Prior to initial construction activity, the Developer shall notify all adjacent property owners in writing of the anticipated date construction activity will commence.

C. Evidence of Performance:

Prior to the issuance of a land disturbance permit, the Developer shall provide written confirmation to the Environmental Engineering Department that the sign postings and written notifications have occurred as required by this condition. (P & EE)

10. Prior to any subdivision construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Gulley, Waller, Brown, and Wallin.

ABSENT: Mr. Patton.

- H. **15SN0662\*\*\***: In Dale Magisterial District, **McDonald's Corporation** requests amendment of zoning (Case 78SN0155) relative to architectural requirements plus a conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in a General Business (C-5) District on 1.2 acres located in the southeast quadrant of Meadowdale Boulevard and Hopkins Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 781-684-2658.

Mr. Roger Bowers, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.



There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0662 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

McDonald's Corporation (the "Applicant") in this amendment of proffers request, offers the following proffered conditions for the re-development of Property if, and only if, the zoning amendment and the concurrent conditional use planned development is approved. In the event the request is denied or approved with conditions not agreed to by the Applicant, these proffered conditions shall immediately be null and void and of no further force and effect.

With the approval of this request, Proffered Condition 2 of Case 78SN0155 shall be amended as follows. All other conditions of Case 78SN0155 shall remain in force and effect.

1. The architectural design elements, including materials, color and style, shall be substantially compatible with the elevations in Exhibit A, dated April 24, 2015. (P)

The Applicant offers the following additional proffered condition:

2. The Textual Statement dated last revised July 13, 2015 shall be considered the Master Plan. (P)

AYES: Messrs. Gulley, Waller, Brown, and Wallin.

ABSENT: Mr. Patton.

- K. 15SN0666:** In Midlothian Magisterial District, **Jay Hanky** requests rezoning from Agricultural (A) to Light Industrial (I-1) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 2.7 acres fronting 480 feet on the north line of Midlothian Turnpike, 670 feet west of Old Otterdale Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Commercial District use. Tax IDs 723-709-1226 and 3529.

Mr. Mike Hanky, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

Mr. Peppy Jones, Chairman of the Village of Midlothian Volunteer Coalition, expressed support for the case.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0666 and acceptance of the following proffered conditions and the addendums.

## PROFFERED CONDITIONS

1. Master Plan: The Textual Statement last revised June 24, 2015; Exhibit A entitled Concept Plan, prepared by The Bay Companies, Inc. and dated May 4, 2015; and, Exhibit B entitled Midlothian Storage Center, prepared by GMF + Associates and dated June 26, 2015; and, Exhibit C entitled Midlothian Storage Center, prepared by GMF + Associates and dated July 2, 2015 shall be considered the master plan. (P)
2. Uses:
  - A. An indoor self-storage warehouse shall be permitted.
  - B. Outside storage shall not be permitted. (P)
3. Site Plan: The site shall be developed as generally depicted on Exhibit A, unless modifications are approved by the Planning Director at the time of site plan approval. (P)
4. Internal Access: Access to individual self-storage units shall only be permitted using interior doors. This does not preclude exterior loading areas on the north and eastern elevations consistent with Exhibit A. (P)
5. Architecture and Materials: Any building shall be constructed in compliance with the following:
  - A. Exterior Elevations: Buildings shall have an architectural style and use design elements substantially consistent with the architectural renderings labeled Exhibit B and Exhibit C.
  - B. Building Materials: The exposed portions of the front and side elevations, as depicted on Exhibit B and C, shall be constructed of brick, masonry split-faced block, E.F.I.S. and metal wall panels or equivalent permanent architecturally finished materials, substantially consistent with those shown on the exhibits. (P)
6. Access: Direct vehicular access from the property to Midlothian Turnpike (Route 60) shall be limited to one (1) entrance/exit, generally located towards the eastern property line, and shall be limited to right-turns-in and right-turns-out only. The exact location of this access shall be approved by the Transportation Department. (T)
7. Road Improvements: Prior to issuance of any occupancy permit, the following road improvements shall be completed, as determined by the Transportation of Department
  - A. Construction of additional pavement along the westbound lane of Route 60 at the approved access to provide a right turn lane and a pavement taper on the west side of the approved access. The

full width of the right turn lane shall extend to the access that serves the adjacent property to the east (GPIN 723-709-6425). The exact length of these improvements shall be approved by the Transportation Department.

- B. Dedication to and for the benefit of Chesterfield County, free and unrestricted of any additional right of way or easements required for the improvements identified above. In the event the developer is unable to acquire the “off-site” right-of-way that is necessary for the road improvements described above, the developer may request, in writing, that the county acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the county chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)

8. Hours of Operation: Hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. daily. (P)
9. Burning Ban: The developer shall not use burning to clear or timber the subject property. (EE)
10. Dedication: Prior to any site plan approval or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, right-of-way to accommodate an additional lane of pavement along the westbound lanes of Route 60 for the entire property frontage shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact dimensions of the right-of-way shall be approved by the Transportation Department. (T)

AYES: Messrs. Gulley, Waller, Brown, and Wallin.  
ABSENT: Mr. Patton.

- L. **15SN0668\*\*\***: In Midlothian Magisterial District, **Joseph B. Marsala and Kelly Lynne Marsala** request conditional use to permit a two-family dwelling and amendment of zoning district map in a Residential (R-15) District on .4 acre known as 641 North Pinetta Drive. Residential use of up to 2.90 units per acre is permitted in the Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 755-708-6764.

Mr. and Mrs. Joseph B. Marsala, the applicants, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0668 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)
2. For the purpose of providing record notice, within thirty (30) days of approval of this request, a deed restriction shall be recorded setting forth the limitation in Condition 1. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

AYES: Messrs. Gulley, Waller, Brown, and Wallin.

ABSENT: Mr. Patton.

- **CONDITIONAL USES, CONDITIONAL USE PLANNED DEVELOPMENTS, REZONINGS AND EXCEPTIONS TO UTILITY ORDINANCE - OTHER.**

- B. 15SN0631\*\*\*:** In Dale Magisterial District, **John Vest and Ruth Cristene Vest** request conditional use to permit a bed and breakfast and special events business incidental to a dwelling and amendment of zoning district map in a Residential (R-15) District on 1.4 acres known as 5436 Hopkins Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 780-688-6823.

Mr. Ryan Ramsey presented an overview and staff's recommendation of approval. The applicants are requesting a conditional use to permit a bed and breakfast and special events business incidental to a dwelling in a Residential (R-15) District. The events are limited by intensity and scope for number of hours, frequency of events, days of the week, time of day; delivery times are limited and a conditional use for five (5) years. Staff recommends approval as the applicant offers adaptive reuse and preservation of a historic structure (Companion Case 15HP0145) and proffered conditions would minimize impacts of use and ensure compatibility with existing area development.

Mr. and Mrs. John Vest, the applicants, requested support from the Commission and presented an overview of their plans to establish a bed and breakfast business at Edgewood.

Mr. Gulley opened the floor for public comment.

Dr. Brown read the new possible imposed conditions to the applicants and they agreed to the new possibly imposed proffered conditions.

Ms. Diane Murdock-Thorp, stated the Meadowbrooke Civic Association and the SOCC have researched spot rezoning and find it has negative impacts on a neighborhood. While she supports revitalization, spot rezoning does not produce positive effects. The Vests do not pay annual dues for the neighborhood or volunteer for neighborhood clean-up or neighborhood watch programs.

She is not aware of the Vests being active in the neighborhood and feels a business in the subdivision would be negative for property values and the quality of life there.

Ms. Colleen LaClair stated if the property becomes an event venue, the neighborhood will become one of crime and noise. A New Year's Eve party at Edgewood created much noise and police responded to the party twice during January 1, 2015 between 2:30 to 3:00 a.m. The price of admission to this event was alcohol and this was advertised on the web. Spot rezoning is not welcome in this neighborhood and she requests the Commission deny the request.

Ms. Alice Mitchell stated traffic bottlenecks now in that area. If an event is being held at this location, traffic will be stalled and could create a major backup especially during peak times where 30-40 cars could be attempting turns simultaneously, which will create a safety issue for the neighborhood.

Mr. Clyde Fisher, Ms. Virginia Arendall, Ms. Jacqueline Fisher, Mr. Ray McKinney, Mr. Thomas H. Rogers, Ms. Adrienne Johnson, Mr. Melvin Diaz, Ms. Julie Shell, Ms. Anne Pearl, Mr. Julius Huggins, Ms. Vicki Harris, Ms. Jody Rogers and Dr. Greg Kontopanos expressed opposition to the request citing issues with noise, traffic, safety, no neighborhood participation from the applicants, lower property values, increase in crime, poor communication with notifying neighbors about the zoning case, setting a precedent for a business to be allowed in a residential area and a decrease in quality of life for those living near and around the property. Each speaker asked the Commission to deny the applicant's request.

Mr. and Mrs. Douglas Moss and Mr. and Mrs. Gabriel Williams-El expressed support for the request citing the property looks much better than it did when it was vacant and it is a good location for a bed and breakfast business and is safer than staying in a hotel. They requested the Commission approve the request.

In rebuttal, Mr. and Mrs. Vest stated they would like the support of the Commission and feel this use is appropriate for the neighborhood.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

Dr. Brown stated he is not certain that parking will be an issue; applicants have made changes to the request in response to neighborhood concerns, five (5) years is a fair amount of time to give the applicants time to see if this business will be a success. The noise limit has been proffered at 55 decibels.

Mr. Gulley stated this case gives him great concern. He believes in protecting the single family neighborhood and this is a terrible imposition to place on the residents of this community and he could not support this case.

Dr. Wallin stated while revitalization is important to the County, he does not feel it is fair to the neighbors or to Chesterfield County to have this property become a business. Traffic is problematic in this area and the proposed parking plan causes concern. Regarding the use of the property, the capacity and accommodations to sleep eighteen (18) is questionable in light of the fact that there are only four (4) bedrooms within the home. The use of the property for the New Year's Eve party

that was advertised on the web does not convey the right message for this type of a facility. While he believes in property rights, he cannot support this case as it does not enhance the neighborhood.

In response to a question from Mr. Waller relative to environmental issues, Mr. Smedley stated if cars park on the grass, it could present an issue with runoff for adjacent neighbors.

Mr. Waller then asked Mr. Banks a question relative to access to the property and parking requirements for the use.

Mr. Waller voiced his issues with the intensity of special events and overall has concerns about the intensity of use, even if it is on Hopkins Road. Overall he thinks the use is too intense and the time limitation is too long and he cannot support the case.

Dr. Brown stated he does not disagree with anything anyone said and he understands where everyone is coming from and can see persuasive arguments on both sides.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend denial of Case 15SN0631.

AYES: Messrs. Gulley, Waller, and Wallin.  
NAYES: Dr. Brown.  
ABSENT: Mr. Patton.

**THE COMMISSION RECESSED AT 8:37 P.M.**

**THE COMMISSION RECONVENED AT 8:50 P.M**

- A. 15SN0634\*:** In Midlothian Magisterial District, **Charter (E & A) LLC** requests amendment of conditional use planned development (Cases 94SN0138 & 13SN0509) to permit exceptions to density and residential townhouse standards and amendment of zoning district map in a Community Business (C-3) District on 10.2 acres fronting 700 feet on the west line of Charter Colony Parkway, 850 feet south of Midlothian Turnpike, also fronting 550 feet on the east line of LeGordon Drive, 1115 feet south of Midlothian Turnpike. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Planned Transition Area uses. Tax ID 726-707-Part of 3592.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial as the request does not address impacts on capital facilities as a result of the eighty (80) townhome units. The applicant has made revisions with respect to building materials in the proffered conditions.

Mr. Brennan Keene, the applicant's representative, requested Commission support for the request. Since the last meeting in May, Timmons has prepared a study of existing traffic and impact of trips with townhouses on Charter Colony and LeGordon Drive. On June 9 the applicant and developer met with residents at a community meeting with the Garnet Lane residents and on June 18 with the Midlothian Woods community about the transportation issues with LeGordon Drive. A modest revision was added regarding building material. The townhomes will generate less traffic than commercial business. There is no expectation of cash proffers as they are not going over the 2088 units and the developer has made significant contributions including; land for John Tyler

Community College, land for Midlothian HS, land for right-of-way on Rt. 60, land adjacent to Midlothian HS, funding toward the realigning of Charter Colony Pkwy, vehicular and pedestrian link between Charter Colony Pkwy and LeGordon Dr., preservation of tree canopy within buffers, sidewalks, decorative lighting, paths and aesthetic improvements. Given the walkability of the project, the amenities proffered and the quality products used in construction, the applicant requests approval from the Commission.

Mr. Gulley opened the floor for public comment.

Ms. Elaine Beard stated she was not satisfied with the transportation and the way it is designed and it will cause safety issues. She would like for the developers to reduce the number of units. Currently there is an open fence around the pond and this is a safety issue.

Ms. Jarica Davis has concerns relative to the impact on schools, based upon the number of students projected with the development, will create an even more overcrowded school system.

Mr. Sean Beard is concerned with overdevelopment in this area and with the developer not paying full cash proffers for this project.

Mr. Peppy Jones, chairman for the Village of Midlothian Volunteer Coalition supports the case as it is a quality project. The issue with this development creating more overcrowding in schools does not fall within the purview of the Commission.

Ms. Audrey Harrison does not support the case because of the negative traffic impacts on her neighborhood.

Mr. Rodney Martin stated it would be helpful to have all of the information about the case before the meeting and he supports the applicant's request.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

In response to a question from Mr. Waller relative to transportation, Mr. Banks stated the case is acceptable from the perspective of Transportation. A sidewalk project is set for LeGordon Dr. and construction should begin in spring of 2016. Martin's has provided a sidewalk on the east side of LeGordon Dr. and CDOT will connect with that project.

In response to a question from Mr. Waller relative to density, Mr. Ramsey stated density is well within the acceptable range for this use.

Mr. Waller stated when you look at the overall efforts put forth by the developer for this project, it is shaping up in a positive way for the Midlothian Village area.

Dr. Brown stated the original proffered cap will be exceeded by this request. Therefore, the applicants zoning amendment to change zoning means that cash proffers must be reevaluated. This development will generate more students for schools and feels the applicants should pay full cash proffers and therefore he will oppose the case.

Dr. Wallin stated you have to look at the land use but you also have to look at how the development will impact schools. But to be objective, from a land use standpoint, it looks like a quality project. It is the ultimate responsibility of schools to address overcrowding and knowing that schools have various ways of dealing with overcrowding, he will support the case.

Mr. Gulley stated you have to go back to the original case and look at all of the millions of dollars and dedications given by the developer. This whole development has paid its way over the years. While he supports full cash proffers, if you take a look at everything, the fair share was paid and he will support the case.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0634 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The Owners and the Developer (the "Owners") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as part of Chesterfield County Tax Identification Number 726-707-3592 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for amendment to the Conditional Use Planned Development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Owners, the proffers shall immediately be null and void and of no further force or effect.

The application contains two (2) exhibits described as follows:

Exhibit A – A plan titled "Charter Colony Townhouses, Preliminary Site Plan," dated January 9, 2015, last revised February 24, 2015, and prepared by Youngblood, Tyler & Associates P.C.

Exhibit B – Elevations titled "Conceptual Elevations A, B, C, C-1, and D" prepared by HHHunt.

The Applicant hereby amends Proffered Condition 1 of Case 13SN0509 to read as follows:

1. Master Plan. The Textual Statement dated February 27, 2015, last revised May 11, 2015, shall be considered the Master Plan. (P)

(Note: Except as amended herein, all previous conditions of zoning approved in Case 13SN0509 shall remain in full force and effect.)

The Applicant hereby amends Proffered Condition 2 of Case 94SN0138 to read as follows:

2. Dwelling Units. A maximum of eighty (80) dwelling units shall be permitted on the Property. The dwelling units are independent of, in addition to, and shall not otherwise affect or limit in any manner the original number of dwelling units permitted by Proffered Condition 2 of case 94SN0138. (P)

(Note: Except as amended herein, all previous conditions of zoning approved in Case 94SN0138 shall remain in full force and effect.)



3. Buffers.
  - A. Charter Colony Parkway.
    - i. A fifty (50) foot buffer ("50-Foot Buffer") measured from the right-of-way shall be provided along Charter Colony Parkway as shown on Exhibit A.
    - ii. Natural vegetation within the 50-Foot Buffer shall be maintained to the maximum extent feasible. Prior to any construction on the Property, an on-site inspection by the Planning Department shall identify the trees within the 50-Foot Buffer that should be saved. Those trees shall be tagged and protected.
    - iii. If insufficient plantings exist within the 50-Foot Buffer, as determined by the Planning Department, additional plantings shall be added. The exact locations, quantities, species, and sizes of any supplemental landscaping shall be determined at the time of subdivision review.
  - B. Structures.
    - i. A decorative wall and/or signage may be provided within the 50-Foot Buffer to identify the townhouse development.
    - ii. Rear yard fencing for lots may be installed within the 50-Foot Buffer, provided that the required landscaping in the buffer is maintained. (P)
4. Setbacks on Special Access. A ten (10) foot setback shall be required for buildings located along the East-West Special Access Road ("Special Access") except as to accommodate improvements noted in Proffered Conditions 5.A. and 10.A. [For clarification, no buffers are required along the Special Access.] (P)
5. Pedestrian Access.
  - A. A sidewalk or meandering path located within the front yards of the townhouses shall be provided along the south side of the Special Access as generally shown on Exhibit A.
  - B. A pedestrian connection to the path located along LeGordon Drive shall be provided from the turnaround shown on Exhibit A and as approved by the Planning Department at the time of subdivision review.
  - C. At least one pedestrian crosswalk located in-line with the sidewalk fronting the shopping center buildings that face Charter Colony Parkway shall be provided across the Special Access, if approved by VDOT.
  - D. Sidewalks shall be provided on one side of the Public Roads of the townhouse development as shown on Exhibit A. Public Roads are those roads that are internal to the Property and designed to be accepted for state maintenance.
  - E. Additional sidewalks shall be provided across the Common Area and linking to the Private Alleys as generally shown on Exhibit A.
  - F. All private sidewalks leading to the front of the dwelling units shall be a minimum of four (4) feet in width. (P)
6. Garages and Parking.
  - A. Rear-loaded, alley-accessed townhouses shall have two-car garages.

- B. Front-loaded townhouses shall have one-car garages.
- C. On-street parking shall be permitted on Public Roads as approved by VDOT. (P)
- 7. Alley Access and Screening. Where an alley is visible from Public Roads, a screening wall, fence, or landscaping shall be used to minimize the view of parking and service areas. (P)
- 8. Townhouse Design.
  - A. The architecture design shall be generally similar to those shown on Exhibit B.
  - B. The townhouse end units that face outside the Property and in the locations noted on Exhibit A as Lots 1, 31, 32, 45, 46, 61, and 62 shall be constructed with additional facade design and detailing such as shown on Conceptual Elevation D.
  - C. All end units that are internal to the Property shall wrap any brick on the front facade a minimum of eighteen (18) inches along the side of the unit.
  - D. Exterior materials shall be brick or fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim) or engineered wood siding (such as LP SmartSide). Vinyl siding shall not be permitted as an exterior material.
  - E. Other materials may be used for trim, architectural decorations, or design elements provided they blend with the traditional and cottage style architecture, as generally depicted in Exhibit B.
  - F. Roof materials shall be standing seam metal or a thirty (30) year architectural dimensional shingles with algae protection.
  - G. Roofs or roof lines shall be varied in color, height, or by a visual/material break between the roofs.
  - H. All front entries shall be covered with a solid porch roof. At least one unit in each group of rear-loaded townhouses shall provide a front porch design extending the full width of the unit to provide variety and vertical breaks to the units.
  - I. Any rear elevation adjacent to Charter Colony Parkway (Lots 11-31 on Exhibit A) shall be constructed with similar architectural details as those on the front elevation of the townhouse. All single windows shall have a shutter treatment. In addition, a minimum of two (2) dwelling units in a row or group shall incorporate a brick facade treatment from the foundation to the top of the second floor. The units with a brick facade shall not be required to incorporate decorative siding treatment above the brick.
  - J. The minimum square footage of the townhouses shall be 1600 square feet. (P)
- 9. Fences.
  - A. Any rear yard fences constructed shall be vinyl, fiber cement lumber, metal, and/or comparable material.
  - B. The height of rear yard fences shall not exceed six (6) feet. (P)
- 10. Streetscape.
  - A. Large maturing trees, planted approximately 40' on center, shall be provided along the Public Roads of rear-loaded lots, along the Special Access Street, and

Common Area, except where there is a conflict with utilities, sightlines, and driveway areas.

- B. Small ornamental trees shall be provided between groups of front-loaded lots, except where there is a conflict with utilities.
- C. Front yard post lights shall be provided for each townhouse. (P)

11. Driveways. Driveways shall be concrete. Gravel or asphalt driveways shall not be permitted. (P)

12. Common Areas.

- A. An open lawn passive recreation area shall be provided as shown as Common Area on Exhibit A.
- B. A covered community gathering space such as pavilion, gazebo, or similar structure ("Pavilion") shall be provided on the Property.
  - i. The Pavilion shall be a minimum of 192 square feet in size and the design of the Pavilion shall be compatible with the architecture of the community.
  - ii. The exact location of the Pavilion shall be determined at the time of preliminary subdivision plat approval.
  - iii. Once the location is identified, the Pavilion shall be constructed as part of that row or group of townhouses immediately adjacent to the Pavilion location.
  - iv. Notwithstanding the provisions above, the Pavilion shall be under construction prior to the issuance of the 40<sup>th</sup> building permit. (P)

AYES: Messrs. Gulley, Waller, and Wallin.  
NAYES: Dr. Brown.  
ABSENT: Mr. Patton.

D. **15SN0652:** In Midlothian Magisterial District, **JMS Investments, LLC and J. Mark Sowers** request rezoning from Agricultural (A) to Residential (R-25) and to permit an exception to Section 18-53 of the Utility Ordinance for the required public sewer connection and amendment of zoning district map on 48.7 acres fronting 825 feet on the west line of Huguenot Springs Road, 330 feet south of Dragonnade Trail. Residential use of up to 1.74 units per acre is permitted in the Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for Corporate Office/Research and Development/Light Industrial uses. Tax IDs 709-712-Part of 8039; 710-713-3304; 711-712-3380; 711-713-3010; 712-712-2485 and 4599.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial for Request I as it does not comply with the Plan. Staff recommends denial of Request II (Sewer Exception) as a private system will encourage future area development that is inconsistent with the Plan and the extension of the public sewer system to area properties will be adversely impacted.

Mr. Andy Scherzer, the applicant's representative, requested approval of the project stating the site is appropriate for alternative uses. A low density residential use will not preclude the development of industrial offices along Midlothian Turnpike. This development is an appropriate use next to another development sitting 50-60 feet above the golf course. The project is an appropriate and

reasonable use for this small section of land with a limited number of lots and quality development standards are being offered.

Mr. Gulley opened the floor for public comment.

Ms. Jarica Davis stated she does not oppose the project.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

Mr. Waller stated there was a community meeting with no opposition. Individual septic fields seem appropriate here given the narrowness of the lots. The lower density of the development would appear to work in this area.

In response to a question from Mr. Waller relative to a pump station, Mr. Mike Nannery with Utilities stated they are planning to build a pump station in the Bernard's Creek basin. In order to facilitate the logical expansion of the County system, if the Commission grants the exception, an easement should be proffered so the County can build the expansion to reach other users.

In response to a question from Mr. Waller relative to schools, Mr. Sorensen with School Administration stated the numbers are correct with respect to how they decide how many children will be attending school in the upcoming year. The ratio for elementary school is 0.21, middle school is 0.11 and high school is 0.15.

Mr. Waller stated there are many questions that linger about what happened with the relief school for Watkins ES. He has read the School Board minutes and they leave open-ended questions about what happened to the engineering work that was undertaken per Mr. Hawkins' comments back in November when Greenspring engaged an engineer to study a site for a relief site for Watkins ES. County Utilities has indicated there is adequate water and sanitary sewer to serve the Greenspring site. There is a mention of a redistricting of the area due to overcrowding at Watkins ES and in the St. Eves case, staff was reviewing the redistricting and schools would have a plan for this. He has found no other information about what happened with the relief school for Watkins. There had to have been a discussion at some point that the older schools needed to come first and that they would be a priority superseding the over-capacity schools. The Greenspring site left unanswered several significant points and he feels they should be answered either tonight or at another time.

Mr. Sorensen stated the Greenspring site did have an engineering study and he can provide a more detailed reply via email to Mr. Waller at a later time.

In response to a question from Dr. Wallin relative to the formula used per unit, Mr. Sorensen stated there was no difference between a two or a three bedroom unit.

In response to a question from Mr. Waller relative to proffers, Mr. Scherzer stated he would follow the same path as he did for proffers with the East West Hallsley case.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend approval of Request 1 (Rezoning) and Request 2 (Sewer Exception) for Case 15SN0652 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Utilities. This development shall utilize public water. (U)
2. Utility Easements. The record plat shall provide for public sewer easements in locations acceptable to the Department of Utilities to accommodate the future extension of public sewer. (U)
3. Dedication. In conjunction with recordation of the initial subdivision plat or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the west side of Huguenot Springs Road, measured from the centerline of that part of Huguenot Springs Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. Access.
  - a. Direct vehicular access from the property to Huguenot Springs Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department.
  - b. No stub road right of way shall be recorded to the westernmost property line, unless adequate information is provided to the county regarding the potential development of properties further to the west (i.e., properties within Powhatan County) and development of those properties would not result in a violation of the Subdivision Ordinance on the property. (P, FD &T)
5. Road Improvements. In conjunction with initial development of the property, additional pavement shall be constructed along Huguenot Springs Road at the approved access to provide left and right turn lanes. Any additional right-of-way (or easements) required for these improvements shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. Cash Proffers. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:
  - a. \$18,966 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four (4) years later, at which point the amount will be adjusted for the cumulate change in the Marshall and Swift Building Cost index during that time period.

- b. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (BM)
- 7. Density. The density of this development shall not exceed one (1) dwelling unit per acre. (P)
- 8. Architectural/Design Elements.
  - a. Sidewalks/Driveways
    - i. Driveways: All portions of driveways and parking areas shall be hardscaped (concrete, asphalt or decorative pavers).
    - ii. Front Walks: A minimum of a four (4) foot wide hardscaped (concrete or decorative pavers) front walk shall be provided to each dwelling unit.
  - b. Landscaping and Yards
    - i. Supplemental Trees: Prior to the issuance of a Certificate of Occupancy for each dwelling unit, a minimum of one (1) flowering tree shall be planted in each front yard. At the time of planting, these supplemental trees shall have a minimum caliper of 2" measured at breast height (4' 10" above ground).
    - ii. Front Foundation Planting Beds: Foundation planting is required along the entire front façade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs and may also include spreading groundcovers.
  - c. Architecture and Materials
    - i. Repetition: Dwellings with the same elevations may not be located adjacent to, directly across from, or diagonally across from each other on the same street. This requirement does not apply to units on different streets backing up to each other.
    - ii. Foundations: The exposed portion of any foundation shall be brick or stone. Synthetic or natural stucco foundations may be permitted for facades constructed entirely of stucco. Rear walkout basement walls shall be permitted to be sided or cast concrete painted to match house.

- iii. Exterior Facades: Acceptable siding materials include brick, stone, masonry, stucco, synthetic stucco (E.I.F.S), and horizontal lap siding. Horizontal lap siding may be permitted to be manufactured from natural wood or cement fiber board or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Additional siding requirements:

- 1. Where a dwelling borders more than one street, all street-facing facades shall be finished in the same materials.
- 2. Cementitious and vinyl siding is permitted in traditional wide beaded styles only, unless otherwise approved by the Architectural Board for special design conditions. Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .044".
- 3. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.

- d. Roof Material: Roofing material shall be dimensional architectural shingles or better with a minimum 30 year warranty.

- e. Porches, Stoops and Decks

- i. Front Porches: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of five (5)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns.

- 9. Minimum House Size. The minimum gross floor area for each dwelling unit shall be 2,400 square feet. (P)

- 10. Restrictive Covenants. The following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat or prior to any site plan approval, whichever occurs first:

(It is important to note that the County will only ensure the recordation of the covenants and will not be responsible for their enforcement.)

- a. Design Guidelines - A Design Guidelines Manual shall be created and shall include but not be limited to the following development criteria:

- i. Architectural controls

- ii. Garage locations
- iii. Recreational amenities
- iv. Mailboxes
- v. Street and External Lighting
- vi. Street Trees
- vii. Landscaping
- viii. Streetscapes
- ix. Fencing
- x. Building locations / Yard Requirements
- xi. Driveways

- b. Architectural Board – The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and the open space, if any, appurtenant thereto on all property. It shall prepare and, on behalf of the Board of Directors, shall promulgate application and review procedures, all as part of the design and developmental standards. The Architectural Board shall incorporate the “Design Standards Manual”, as described below in its review and approval of all applications submitted. Copies of the “Design Guidelines Manual” shall be available from the Architectural Board for review and use by owners, builders and/or developers. The guidelines and procedures shall be those of the Association, and the Architectural Board shall have sole and full authority to prepare and to amend the standards available to owners, builders, and developers only under extreme circumstances or hardships. Such circumstances or hardships shall be clearly demonstrated to be considered for amendment. The Architectural Board shall initially consist of three (3) members, all appointed by the Declarant. At such time as one hundred percent (100%) of all property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors shall appoint all members of the Architectural Board. At no time shall the Architectural Board have fewer than three members nor more than five (5) members. The Declarant may, at his option, delegate to the Board of Directors its right to appoint one or more members of the Architectural Board. At all times, at least one (1) member of the Architectural Board shall be a member of the Association. It is intended for the Architectural Board to maintain the character and integrity of the development.
- c. Signs – No signs shall be erected or maintained on any residential property by anyone including, but not limited to, the owner, a contractor, or a subcontractor, except as provided for in the “Development Guidelines Manual” or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be erected without the written permission of the Declarant or the Association. Realtor signs “For Sale” may be erected and are subject to review of the Declarant or Architectural Board.



- d. Condition of Ground – It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on his lot. All improvements on each lot shall be kept in good repair, and where necessary, painted in a regular basis. No portion of the property shall be used or maintained as a dumping ground for rubbish. Outdoor burning of leaves, trash, or other debris shall not be permitted. All trash, garbage, and other waste shall be kept in sanitary containers, which shall be surrounded by a wood or vinyl screen with such screening to be approved by the ARC, or otherwise out of sight from the street.
- e. Residential Use – All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached private garage, provided the use of such accessory building does not overcrowd the side and provided further that such building is not used for any activity normally conducted as business. Such accessory building may not be constructed prior to the construction of the main building and approved by the Board.
  - i. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.
- f. Enforcement – The Board of Directors reserves the right to correct any situation, on any lot that violates the deed restrictions herein. The Board shall provide written notice to the owner in violation a minimum of thirty (30) days prior to any action to be taken by the Board. The Board shall have the right to correct the violation and collect reimbursement from the owner of the lot requiring action. If payment is not made or arranged for within thirty (30) days of the Boards request, the Board reserves the right to place a lien on said property or take any appropriate legal action necessary. (P)

AYES: Messrs. Gulley, Waller, Brown and Wallin.  
ABSENT: Mr. Patton.

- I. **15SN0664:** In Midlothian Magisterial District, **Lee M. Singleton** requests conditional use to permit a contractor's shop and storage yard (tree service business) and amendment of zoning district map in an Agricultural (A) District on 2.9 acres known as 901 Ruthers Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51 to 4.0 dwellings units per acre). Tax ID 761-702-9265.

Mr. Ryan Ramsey presented an overview to the Commission and staff's recommendation of denial as the request does not comply with the Plan and would create commercial encroachment within a residential neighborhood.

Mr. Lee Singleton, the applicant, requests the Commission approve his request.

Mr. Gulley opened the floor for public comment.

Mr. Paul Grasewicz stated the applicant is operating a tree service business out of a residential area with single family homes and this is a zoning violation. The Surrywood Civic Association is concerned that this business is operating from a residential property and the business owner does not live at the residence.

Mr. Robert Woosley stated he does not want a business in the residential neighborhood.

No one else came forward to speak in favor of, or in opposition to the request.

Mr. Singleton rebutted that he would like a conditional use so he has time to relocate his business.

There being no one else to speak, Mr. Gulley closed the public hearing.

Mr. Waller stated they held a community meeting in July and the people that were adjacent neighbors to the business were in favor of the applicant's request. The nine (9) proffers that are part of this case are normal and customary. However, with Proffer 3, which relates to time limitation, he will request a time limitation from five (5) years to one (1) year and Mr. Singleton agrees to that change.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0664 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Lee Singleton, and shall not be transferable with the land. (P)
2. Use: This Conditional Use approval shall be for the operation of a contractor's office and storage yard (tree service business). (P)
3. Time Limitation: This Conditional Use approval shall be granted for a period not to exceed one (1) year from the date of approval. (P)
4. Equipment Storage: As a part of this business, the following equipment may be stored on the property:
  - a. Five (5) service trucks
  - b. One (1) trailer
  - c. Two (2) tractors

No other equipment or materials may be stored on the property for this use. (P)

5. Location of Use: The use shall be confined to the existing dwelling, accessory buildings and the storage areas noted on Exhibit A, dated June 10, 2015. (P)

6. Screening: A privacy fence, as shown on Exhibit A, shall be installed within ninety (90) days of approval. The fence shall be a minimum of six (6) feet tall, located within the side yard of the contractor's office, and be constructed as a wooden board-on-board fence. (P)
7. Employees and Clients: No more than seven (7) employees shall be permitted to work on the premises. No clients shall be permitted on the property. (P)
8. Signage: There shall be no signs identifying this use. (P)
9. Hours of Operation: The contractor's office and storage yard (tree service business), to include the movement of equipment, shall be limited to Monday through Friday from 7:30 a.m. to 5:00 p.m. (P)

AYES: Messrs. Gulley, Waller, Brown, and Wallin.

ABSENT: Mr. Patton.

- J. **15SN0665**: In Dale Magisterial District, **Henry E. Myers, Jr.** requests rezoning from Agricultural (A) to Community Business (C-3) and amendment of zoning district map on .8 acre located in the northeast corner of Iron Bridge Road and Frith Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office use. Tax ID 769-663-Part of 9114.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial as the request does not comply with the Plan; the request does not address possible impacts of use on area development and is incompatible with area office and residential development. Staff has received a petition of opposition with sixty-six (66) signatures.

Mr. Ben Myers, the applicant's representative, requested approval for the zoning.

Mr. Gulley opened the floor for public comment.

Mr. David Valley, representing the Deerfield Civic Association, is against the proposal for a zoning change. They object to the smells from a restaurant and the development will negatively impact the neighborhood. There is resistance against this project from the neighborhood.

Mr. Chuck Sipos, president of the Deerfield Civic Association, attended the community meeting so his community could understand what was happening with the request property. He is skeptical about the strategy of the development along Rt.10 near the library. He looked back to the empty businesses along that corridor and feels those empty properties should be the focus, not building new buildings. He does not support the development of this property.

No one else came forward to speak in favor of, or in opposition to the request.

In rebuttal, Mr. Ben Myers stated he hoped the project could be approved and rezoned.

There being no one else to speak, Mr. Gulley closed the public hearing.

In response to a question from Dr. Brown relative to Environment Engineering (EE), Mr. Smedley stated there is an issue with the property as it is low and drains poorly. Central Library and Route

10 drain onto the property compounding the problem. From a stormwater standpoint, the property will be challenging to develop. EE asked for proffers for a preliminary study so they would have some background information before they went into a full site plan review, specifically, in the Lori Road to Branch's Trace subdivision area and the applicant did not proffer that study.

In response to a question from Dr. Brown relative to County Department of Transportation (CDOT), Mr. Jim Banks responded the property did not have enough frontages for a direct access from Rt. 10, no additional turn lane and no sidewalks were proffered; therefore, CDOT could not recommend support of the request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend denial Case 15SN0665.

AYES: Messrs. Gulley, Waller, Brown and Wallin.

ABSENT: Mr. Patton.

**XIII. OTHER BUSINESS.**

**XIV. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.**

Mr. Rodney Martin stated he was at the meeting about Greenspring and the overflow school for Watkins ES. Mr. Hawkins' numbers did not add up and everyone knows that the school is overcrowded. The schools oversight committee does not have a grasp of why projects are over budget. The Planning Commission should go back and see if Schools is providing accurate information about the number of projected new students.

**XV. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Dr. Wallin, seconded by Mr. Waller that the meeting adjourned at 10:31 p.m. to Thursday, July 23, 2015 at 5:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Messrs. Gulley, Waller, Brown, and Wallin.

ABSENT: Mr. Patton.

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Planning Commission Chairman/Date

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Secretary/Date

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Historic Preservation Vice-Chairman/Date